

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT**

1ST TECHNOLOGY, LLC,

Plaintiff,

v.

**DIGITAL GAMING SOLUTIONS S.A.,
COSTA RICA INTERNATIONAL
SPORTS S.A., ACTION POKER GAMING
ENTERPRISES, eCOM ENTERPRISES,
PLAYSAFE HOLDING AS, SBG
GLOBAL, and DIGITAL GAMING
NETWORK LTD.,**

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT

1st Technology LLC (“Plaintiff”) files this Complaint against Digital Gaming Solutions, S.A., Costa Rica International Sports S.A., Action Poker Gaming Enterprises, eCom Enterprises, PlaySafe Holding AS, SBG Global, and Digital Gaming Network Ltd. (“Defendants”) for infringement of United States Patent No. 5,564,001 (hereinafter “the ’001 Patent”).

JURISDICTION

1. This is an action for patent infringement under title 35 of the United States code. Plaintiff is seeking injunctive relief as well as damages.
2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.
3. Venue is proper under 28 U.S.C. §§ 1391(d) and 1400(b).

4. Plaintiff is a Nevada limited liability company with offices located at 10080 Alta Drive, Las Vegas, NV, 89145.

5. Defendant Digital Gaming Solutions S.A. ("Digital Gaming Solutions") is a foreign corporation with offices at Edificio Asesores Juridicos Y Economicos, Sab Jose, Sabana Sur, San Jose, Costa Rica. Digital Gaming Solutions has made, sold, offered for sale, offers for sale and/or imports software products that infringe one or more claims of the '001 patent. Digital Gaming Solutions has infringed and continues to infringe the '001 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

6. Defendant Costa Rica International Sports S.A. ("CRIS") is a foreign corporation with offices Oficina Numero 31, Planta Baja, Edificio 6 Anexo, San Jose Oficentro La Sabana, San Jose, Costa Rica. CRIS has made, sold, offered for sale, offers for sale and/or imports software products that infringe one or more claims of the '001 patent. CRIS has infringed and continues to infringe the '001 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

7. Defendant Action Poker Gaming Enterprises ("Action Poker") is a foreign corporation with offices at 75 Mts West from the Contraloria Building, La Sabana, San Jose, Costa Rica. Action Poker has made, sold, offered for sale, offers for sale and/or imports software products that infringe one or more claims of the '001 patent. Action Poker has infringed and continues to infringe the '001 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

8. Defendant PlaySafe Holding AS ("PlaySafe") is a foreign corporation with offices at Hagasletta 11, Sandefjord, Norway. PlaySafe has made, sold, offered for sale, offers for sale and/or imports software products that infringe one or more claims of the '001 patent. PlaySafe

has infringed and continues to infringe the '001 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

9. Defendant eCom Enterprises ("eCom") is a fully owned subsidiary of PlaySafe Holding AS with office at Hagasletta 11, Sandefjord, Norway. eCom has made, sold, offered for sale, offers for sale and/or imports software products that infringe one or more claims of the '001 patent. eCom has infringed and continues to infringe the '001 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

10. Defendant SBG Global is a foreign corporation located at Saret Zona Franca Building 8a, Alajuela, Costa Rica 4060. SBG Global has made, sold, offered for sale, offers for sale and/or imports software products that infringe one or more claims of the '001 patent. SBG Global has infringed and continues to infringe the '001 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

11. Defendant Digital Gaming Network Ltd. ("Digital Gaming Network") is a foreign corporation located at E-Zone Vredenberg, Curacao. Digital Gaming Network has made, sold, offered for sale, offers for sale and/or imports software products that infringe one or more claims of the '001 patent. Digital Gaming Network has infringed and continues to infringe the '001 patent either directly or through the acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

12. On information and belief, Defendants' products that are alleged herein to infringe are made, used, imported, offered for sale and/or sold in the Eastern District of Missouri.

13. This Court has personal jurisdiction over Defendants because Defendants have committed acts of infringement in this district; do business in this district; and/or have systematic and continuous contacts in this district.

INFRINGEMENT OF U.S. PATENT 5,564,001

14. Plaintiff incorporates paragraphs 1 through 13 herein by reference.

15. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ *et seq.*

16. Plaintiff is the assignee of and owns all right, title and interest in and has standing to sue for infringement of United States Patent No. 5,564,001 entitled "Method and System for Interactively Transmitting Multimedia Information Over a Network Which Requires Reduced Bandwidth," a copy of which is attached hereto as Exhibit A.

17. The '001 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

18. On information and belief, Defendant PlaySafe has infringed and continues to infringe the '001 Patent by making, using, importing, offering for sale and/or selling products covered by one or more claims of the '001 Patent including, but not limited to, its Tiger Gaming products.

19. On information and belief, Defendant Digital Gaming Solutions has infringed and continues to infringe the '001 Patent by making, using, importing, offering for sale and/or selling products covered by one or more claims of the '001 Patent including, but not limited to, its Bet US Poker and Bookmaker products.

20. On information and belief, Defendant CRIS has infringed and continues to infringe the '001 Patent by making, using, importing, offering for sale and/or selling products covered by one or more claims of the '001 Patent including, but not limited to, its Bookmaker products.

21. On information and belief, Defendant Action Poker has infringed and continues to infringe the '001 Patent by making, using, importing, offering for sale and/or selling products covered by one or more claims of the '001 Patent including, but not limited to, its Tiger Gaming products.

22. On information and belief, Defendant eCom has infringed and continues to infringe the '001 Patent by making, using, importing, offering for sale and/or selling products covered by one or more claims of the '001 Patent including, but not limited to, its Tiger Gaming products.

23. On information and belief, Defendant SBG Global has infringed and continues to infringe the '001 Patent by making, using, importing, offering for sale and/or selling products covered by one or more claims of the '001 Patent including, but not limited to, its SBG Global Casino and Sportsbook products.

24. On information and belief, Defendant Digital Gaming Network Ltd. has infringed and continues to infringe the '001 Patent by making, using, importing, offering for sale and/or selling products covered by one or more claims of the '001 Patent including, but not limited to, its OddsMaker.com, Sports Interaction Poker, and Bet on USA products.

25. On information and belief, Defendants contributorily infringed one or more claims of the '001 Patent and continue to contributorily infringe one or more claims of the '001 Patent, pursuant to 35 U.S.C. § 271, in the United States, including in this judicial district.

26. On information and belief, Defendants have induced others to infringe one or more claims of the '001 Patent and continue to induce others to infringe one or more claims of the '001 Patent, pursuant to 35 U.S.C. § 271, in the United States, including in this judicial district.

27. Defendants' actions complained of herein will continue unless Defendants are enjoined by this Court.

28. On information and belief, Defendants' infringement is willful because Defendants have in the past, and presently continue to infringe the '001 Patent as alleged herein, with knowledge of the '001 Patent.

29. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

30. Plaintiff has complied with 35 U.S.C. § 287.

31. Defendants' actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

A. Enter judgment for Plaintiff on this complaint;

B. Enjoin Defendants, their agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendants who receive notice of the order from further infringement of United States Patent No. 5,564,001;

C. Award Plaintiff damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284;

D. Treble the damages in accordance with the provisions of 35 U.S.C. § 284;

E. Find the case to be exceptional under the provisions of 35 U.S.C. § 285;

F. Award Plaintiff reasonable attorney fees under 35 U.S.C. § 285;

G. Order the impounding and destruction of all Defendants' products that infringe the '001 Patent;

- H. Award Plaintiff interest and costs; and
- I. Award Plaintiff such further relief to which the Courts finds Plaintiff entitled under law or equity.

Respectfully submitted,

/s/ Anthony G. Simon

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